IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22574 of 2007(K)

PETITIONER:

ANITHA R., MANAGER,
MAVELI STORE, KERALA STATE CIVIL SUPPLIES CORPORATION, SREEKRISHNAPURAM, PALAKKADU.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CIVIL SUPPLIES, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF CIVIL SUPPLIES, OFFICE OF THE COMMISSIONER OF CIVIL SUPPLIES, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22574/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 12/12/06 OF THE SESSEIONS COURT, KALPETTA.

EXT.P2. COPY OF THE NOTICE DT. 11/07/2007 BY THE R2 TO THE PETITIONER.

EXT.P3. COPY OF THE REPLY SUBMITTED BY PETITIONER DT. 17/07/2007.

True copy

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.22574 OF 2007-K

Judgment

The petitioner is an LD Clerk under the Civil Supplies Department. For some time, she was functioning as the Manager of a Maveli Store. Goods and money were found short from her shop. The same led to the registration of a criminal case, which was finally charge sheeted. In the trial, the competent court found her guilty of the offence under Section 409 IPC and convicted her to undergo a sentence of one year's rigorous imprisonment and a fine of Rs.5,000/-. Now, action is proposed under Rule 18 of the KCS (CC&A) Rules and she has been served with Ext.P2 notice for a personal hearing to be held on 25.07.2007. She has submitted Ext.P3 representation, praying that a sympathetic attitude may be taken towards her. Thereafter, this Writ Petition is filed, praying for a direction to the second respondent to consider Ext.P3 sympathetically at the time of the hearing to be held on 25.07.2007.

2. The second respondent is bound to consider the case of the petitioner in accordance with law. Whether she deserves sympathy or not, is a matter for the said respondent to decide,while hearing her. This Writ Petition, filed on 23.07.2007, to consider a representation filed on 17.07.2007, is not maintainable. Since the petitioner is likely to be prejudiced, I am refraining from going into the merits of the

case. I am sure, the second respondent will consider all relevant matters, which he is bound to consider, while taking a decision in the case of the petitioner. The Writ Petition is dismissed with the above observation.

23.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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